PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Docket No: Q76509

Jong-hak AHN, et al.

Appln. No.: 10/647,254

Group Art Unit: 2624

Confirmation No.: 3042

Examiner: Amir ALAVI

Filed: August 26, 2003

For:

MPEG VIDEO DECODING METHOD AND MPEG VIDEO DECODER

REQUEST FOR REFUND

MAIL STOP 16

Director of the U.S. Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450

Sir:

Applicant hereby respectfully requests a refund in the amount of \$1110.00. This refund is to be credited to Deposit Account No. 19-4880. A copy of the Deposit Account Monthly Statement showing the \$1110.00 charge on April 22, 2009 (allegedly for a three-month extension fee) to our account is enclosed. Applicants' representative respectfully submits that the April 22nd three-month extension fee charge is improper.

Specifically, in conversations with the Examiner, a Legal Instruments Examiner (LIE), and the Supervisory Patent Examiner (SPE) between April 16, 2009 and April 20, 2009, Applicants' representative was informed that the instant application was abandoned because a timely reply was not filed to the Office Action dated July 11, 2008, and thus, the Amendment filed April 15, 2009 will not be entered. This is inaccurate, however, since the July 11th Office Action merely required cancellation of claims 5-7 and 12-14 within one month (August 11, 2008,

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which was a non-extendible due date) to place the application in condition for immediate allowance. Moreover, the July 11th Office Action stated that "[f]ailure to take action during this period will be treated as authorization to cancel the noted claims by Examiner's Amendment and pass the case to issue" (July 11th Office Action, page 2).

Regardless, Applicants' representative called the Examiner and authorized cancellation of the withdrawn claims 5-7 and 12-14 on July 28, 2009. As such, there is no basis for abandoning the application based on the July 11th Office Action, especially in view of the fact that *even if no timely response was made*, the Examiner stated in the July 11th Office Action that the application will be forwarded to issue after canceling the withdrawn claims.

The Examiners (i.e., the Examiner, LIE, and SPE) seem to be alleging that a <u>potential</u> 35 U.S.C. § 101 rejection was included in the July 11th Office Action since the Examiner informed the Applicants' representative about the <u>potential</u> § 101 issues on November 19, 2008 during a telephone conversation. This again, is inaccurate because first, no 35 U.S.C. § 101 rejection to the claims was made in any Office Action. Second, the Examiner indicated on November 19th that he would be issuing another Office Action with the 35 U.S.C. § 101 rejection, as Applicants' representative clarified on the record in the Statement of Substance of Interview filed December 23, 2008.

However, to expedite prosecution, Applicants filed an Amendment on April 15, 2009 amending the claims. On April 20, 2009, the SPE indicated that he would enter the April 15th Amendment if Applicants approved, but would also charge a three-month extension fee (\$1110.00) for such entry. Although Applicants do not agree with the three-month extension fee charge, since it is unnecessary, Applicants' approved entry of the Amendment to expedite prosecution. However, Applicants' representative informed the SPE that Applicants reserve the

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right to file a request for refund for the improper charge of \$1110.00. Accordingly, the instant request for refund is being filed.

In view of the foregoing, Applicants' representative do not believe there is any basis for abandoning the instant application, and for not entering the April 15th Amendment. Accordingly, refund of the improperly charged amount of \$1110.00 on April 22, 2009 to Deposit Account No. 19-4880 is respectfully requested. This refund is to be credited to Deposit Account No. 19-4880.

Respectfully submitted,

SUGHRUE MION, PLLC Telephone: (202) 293-7060

Facsimile: (202) 293-7860

WASHINGTON OFFICE

23373 CUSTOMER NUMBER

Date: October 29, 2009

Peter A. McKenna

Registration No. 38,551

AMule

United States Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450 www.uspto.gov

MONTHLY STATEMENT OF DEPOSIT ACCOUNT

To replenish your deposit account, detach and return top portion with your check. Make checks payable to "Director of the USPTO."

SUGHRUE MION, PLLC 2100 PENNA AVE N W SUITE 800 WASHINGTON DC 20037 FINA

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PLEASE SEND REMITTANCES TO: U.S. Patent and Trademark Office P.O. Box 979065

St. Louis, MO 63197-9000

Call the Deposit Account Branch at 571-272-6500 for assistance.

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